



Planning Commission Meeting Minutes

DATE:

May 20, 2013

APPROVED
BY:

Darrell C. Webster, Secretary Pro Tem

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION April 30, 2013

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 7:00 p.m.

ELECTION OF SECRETARY PRO TEM

Mr. Welch moved to elect Mr. Webster as Secretary Pro Tem. Mr. Zondag seconded the motion.

All voted "Aye".

ROLL CALL

The following members were present: Messrs. Adams, Morse, Pegoraro, Siegel, Webster (alt. for Brotzman), Welch (alt. for Aufuldish), Zondag, and Mmes. Hausch and Pesec. Legal Counsel present: Asst. Prosecutor Joshua Horacek. Planning and Community Development Staff present: Mr. Radachy and Ms. Myers.

MINUTES

Mr. Adams suggested the Director's Report on page 2 should be bulleted by topic.

Mr. Adams moved to adopt the practice to include bullet pointing where there is a number of topics. Mr. Pegoraro seconded the motion.

All voted "Aye".

Mr. Pegoraro moved to approve the March 26, 2013 minutes with the above change. Ms. Pesec seconded the motion.

Eight voted "Aye".
Mr. Siegel abstained.

FINANCIAL REPORT

Mr. Siegel moved and Mr. Welch seconded the motion to approve the March, 2013 Financial Report as submitted.

Discussion:

Mr. Radachy stated that the Public Officials Directory line item does not have enough funds to pay for the printing. Staff will move money in the budget from one line item to another to pay this invoice.

He also said the office may need to ask for additional funds to cover the members who wish to attend the NEO Workshop this year.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Mr. Joshua Horacek said there was no legal report to give.

DIRECTOR'S REPORT

Mr. Radachy, Interim Director, reported the following:

- The Ohio Department of Development issued population projections for up to 2040.
 - There was a flat decrease in population equaling to a negative .8%.
 - In 2040, they expect 228,000 people to live in Lake County. Currently there are about 230,000. This is determined by the local birth rate versus the death rate plus immigration.
 - In 1970, the median age of Lake County Ohio population was 27.6 years of age and is now at 43.5 and getting higher. A lot of high school graduates go away to college and do not come back. We need to do more to keep them here.
 - The Cleveland area population is expected to have a 5% decrease for the five counties in NOACA in the next 30 years, Akron a 4% decrease, and Columbus a 25% increase.
 - The City of Cleveland's population has actually been cut in half over the last 20 years from 750,000 to about 400,000. In 1950, there were just under 1 million people.
 - The State of Ohio is gaining in population, but not significantly.

- New Housing Demand - There will continue to be a demand for new housing in the next 30 years in Lake County.
 - Senior housing – Communities are getting older and everyone recognizes there will be a need for senior housing in the future. Some Lake County communities have no plans for senior housing at this time. Perry and Concord Townships allow for senior housing in their regulations. Willoughby City has the Breckenridge development that is adding more units and has just purchased more land.
- Fairport Harbor – Worked on swimming pool regulations and their fees.
 - Concord Township – Did two site plans and some other planning activities.
 - The 2013 Public Officials Directory was completed.
 - CDBG Mandatory Pre-application Meeting – Successfully held on April 19, 2013 with over 50 agencies and communities attending.
 - Perry Village – Approached us to possibly help them with their planning needs in the future. They are deciding whether to continue using a consultant or look to other avenues.

ANNOUNCEMENT

The Northeast Ohio Planning & Zoning Workshop will be held on June 28, 2013 in Warren, Ohio at the Magnus Hotel (Avalon Inn) at \$50.00 per person. Registration forms should be out by the end of next week. Registrations will be mailed or emailed to all members.

SUBDIVISION REVIEW

Concord Township - Orchard Springs, Preliminary Plan Resubmission, 48 Lots, 38.9349 Acres

The Orchard Springs Subdivision Preliminary Plan was approved December 2008 and the first phase was approved and filed in March 2009. In March 2009, the Preliminary Plan was extended to March 2012. The Preliminary Plan expired in March 2012 and no extension was requested by the developer. In order for Phase 2 to be filed, the Preliminary Plan needed to be resubmitted for review. This is the same Preliminary Plan, with some modifications, that was submitted in December 2008. Mr. Todd Victor of Ralph Victor Construction is the Developer and Mr. David Novak of Barrington Consultants is the Engineer/Surveyor.

Below are the original Preliminary Plan stipulations and comments. Those crossed out have been completed.

Preliminary Plan Stipulations:

1. The approval of the Preliminary Plan by the Planning Commission shall be effective for maximum period of three years from the date of its approval unless Planning Commission grants an extension or subdivision is done in phases and the plat of the first phase is approved, then it is a maximum period of three years from the date of approval of the first phase. *Article III Section 3(G)*
Expired March 31, 2012
2. This subdivision is a replat of Lake Erie Apple Orchard and Hillcrest #2. These subdivisions shall be referenced on the final plat. *LCPC Staff* **Not corrected on the Preliminary Plan or the Final Plat.**
3. ~~The width of the unnamed right of way (AKA East Orchard) needs to be shown on vacation plat or subdivision plat. *Article III Section 3(D)(1)(f)*~~ **Legal opinion from the Prosecutor stated that the ROW was not officially accepted by the Commissioners, therefore it does not exist. No action needs to be taken.**
4. Township borders shall be shown on the final plat. *Article III Section 3(D)(1)(f)* **Not done on the Preliminary Plan. It is shown on the Final Plat for Phase 2.**
5. ~~Painesville Township Local School District is now known as Riverside Local School District. *Article III Section 3(D)(1)(t)*~~ **Done**
6. Revise item #5 under the Notes section to clarify the uses permitted, from "fee simple sublots" to "detached single-family dwellings on fee simple lots only". *Concord Twp. Trustees* **Not done on the Preliminary Plan.**
7. The minimum square footage allowed per dwelling unit shall comply with the requirements set forth in Appendix B of Section XVI of the Concord Township Zoning Resolution as follows: 1,200 sq. ft. for 1 story detached dwellings; 1,400 sq. ft. for 1 ½ story detached; and 1,600 sq. ft. for 2 story detached dwellings. *Concord Twp. Trustees* **Not amended on the Preliminary Plan.**
8. Open space areas proposed in this development that do not meet the design criteria outlined in Section 16.24 C of the Concord Township Zoning Resolution include: detention ponds, areas less than 1 acre in size, and areas that have a dimension less than 25 feet in any direction. With these deductions, an estimated 17 areas (or 44%) of open space remain and can be counted toward the allowable increase in the base density, as set forth in Section 16.24 B of the Zoning Resolution. A total of 4 additional units were proposed, which is a density increase of 9 percent. *Concord Twp. Trustees*
9. A final form of covenants, deed restrictions and/or by-laws associated with the development shall be submitted to the Township for review. Ownership and maintenance of the designed open space areas shall be specified on the plat and within such covenants or deed restrictions for the development. *Concord Twp. Trustees* **Filed for Phase 1.**

- a. Is the second phase going to meet all the guidelines of the original Home Owners Association? If so the Declaration of Covenants, Conditions and Restrictions need to be updated and submitted to the Trustees and legal counsel. *Concord Twp.*
10. ~~This proposal is consistent with the Preliminary Plan approved by the Township at the time of the request for rezone from the R-1 Residential to the R-1, Residential Conservation Development (RCD) District in October 2006. However, the 12-month time frame has lapsed under which a final development plan (or initial phase of the final plan) was to be submitted to the Township for approval, as per Section 16.14 of the Zoning Resolution. Therefore, the preliminary plan for Orchard Springs shall be reapproved by the Township Trustees at a public meeting, which has been scheduled for December 17, 2008, 7:00 p.m. at Concord Town Hall. Concord Twp. Trustees~~ **Zoning District has been approved.**
11. ~~The Township questions the buildability of sublots 13 and 14 with the gas well and associated tanks located on these properties. Will access to these wells need to be maintained and, if so, where will the access drives / points be located? Identify on the plat. Concord Twp. Trustees~~ **Part of Phase 1**
12. Is there any additional entrance signage off Colburn? If that is intended, all parcels at the entrance way are part of the Green Space and a landscape easement should be created for the Association's maintenance of the sign area. Entrance signage shall meet the requirements of section 30.03B. *Concord Twp.*

Design Stipulations:

1. Evidence that the road intersection of Victor Drive and Colburn Road meets the visibility requirements of these regulations shall be presented with the submission of any final plat in conjunction with the preliminary approval. *Article IV Section 2(B)(3)* **May not be an issue. Colburn Road is being rebuilt.**
2. ~~Names of new streets shall not duplicate the names of existing streets of record in Lake County. Victor Drive exists in Eastlake, Ohio. Article IV Section 2(H)~~ **Victor Drive was changed to Alexa Drive Dr.**
3. Fire hydrants shall be placed at the corners of all blocks, and at the mid-block for blocks exceeding eight hundred feet in length. There shall be a fire hydrant at the corner of Colburn Road and Victor Drive *Article V Section 11* **Not corrected on the Preliminary Plan, but corrected on Improvement Plans for Phase 2.**
4. ~~The subplot arrangement and design shall be such that all sublots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development. The developer shall provide information that sublots 12, 13 and 14 are buildable in relation to the presence of the gas well on the property. Article IV Section 3(A)(1)~~ **Part of Phase 1**

5. The first hydrant located at the Orchard Road cul-de-sac is to be relocated to the corner of the cul-de-sac street and Victor Drive to service both streets. Fire hydrants may be spaced no further than 500 feet apart and all hydrant steamer outlets to be outfitted with a 5" Stortz fitting. *Concord Twp. Fire Dept.*
6. ~~Sanitary sewer easement required from Cambden Creek Estates to provide sanitary sewer outlet for Orchard Springs. *Utilities Dept.*~~ **Part of Phase 1**
7. ~~Angles along sanitary sewer easement shall not be approved. *Utilities Dept.*~~ **Part of Phase 1**
8. The Stormwater easements shall be either local service drainage easements or drainage easements depending on what the facilities are inside the easement drain. *Art. III Sec. 6(D)(1)(e)(h)* **Not corrected on the Preliminary Plan, but corrected on Final Plat for Phase 2.**
9. Detention & Water Quality ponds shall have an ingress/egress easement for maintenance requirements. *Lake County Engineer* **Not corrected.**
10. Note on the plat that dwellings proposed on ~~sublots 1, 36 and 48~~ shall face Victor Drive, and dwellings proposed on ~~sublots 15 and 22~~ shall face Orchard Road, in order to comply with the rear yard setback requirements for dwellings in the R-2, RCD District. *Concord Twp. Trustees* **Sublots 1, 15 and 22 are part of Phase 1.**
11. ~~Final plans should show location of existing gas well and where relocated gas lines will be and how they will connect to gas lines currently under construction on Orchard Springs. *Concord Twp. Service Dept.*~~ **Part of Phase 1**

Design Comment:

1. ~~The proposed phase line shows the eastern side of the intersection of Victor Drive and Orchard Road as a possible stub street. Stub streets are prohibited by these regulations.~~ **Corrected on the Preliminary Plan**
2. Current plans show wetlands will be impacted by this project. Will final plans include mitigation or will lots and streets be relocated? *Concord Twp. Service Dept.*

Technical Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District.

2. Until plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. The subdivider shall set all permanent monuments for subplot corners prior to the recording of the subdivision. *Article I Section 4(H)*
4. All permanent monuments for the centerline shall be set prior to recording the plat or the final release of the construction surety and acceptance of the maintenance surety. *Article I Section 4(I)*
5. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
6. Unnamed stream flowing north from Colburn Road to unnamed Tributary of Ellison Creek and Unnamed tributary of Jordon Creek shall show the riparian setbacks required for these streams. *Article IV Section 3(D)*
 - a. Riparian setbacks shall be shown for all streams located within the project boundaries. Stream segments within Open Space 'A' and 'E' are not shown with riparian setbacks. *LCSWCD*
7. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
8. Complete an erosion and sediment control plan with the improvement plan drawings. *LCSWCD*
9. Please provide the District with a copy of the most updated wetland delineation report and map. Additionally, provide any U.S. Army Corps of Engineers or Ohio EPA documents that affirm the completed wetland and stream delineations at the site. *LCSWCD*
10. Distinguish the wetlands shown on the Preliminary Plan with corresponding acreages per the affirmed wetland delineation map. Also list the type of stream resource (i.e. perennial, intermittent or ephemeral) for each stream located within the project boundaries. *LCSWCD*
11. National Pollutant Discharge Elimination System (NPDES) rules require storm water discharges to receive treatment through post-construction water quality best management practices prior to discharge into wetlands and/or streams. The storm sewer system for the Victor Drive cul-de-sac area appears not to contain a post-construction storm water quality practice prior to discharge to the unnamed tributary Ellison Creek or its adjacent wetlands. A post-construction best management practice should be designed for this area. *LCSWCD*

12. Wetland areas shown within roadways, utility easements, storm water facilities or outlet structures and proposed sublots shall be shown as impacted. Acreage of impact for each wetland shall be shown with the corresponding U.S. Army Corps of Engineers or Ohio EPA permit authority listed on the plan. *LCSWCD*
13. Fire flows must meet ISO minimum requirements for size, type and spacing for structures built. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
14. Typical roadway section shall conform to Lake County Standards. Pavement Design shall be based on Soil Analysis and AASHTO design parameters. *Lake County Engineer*
15. Yard drains shall be provided for every subplot. *Lake County Engineer* **Not corrected on the Preliminary Plan. Yard drains are provided on the improvement plans.**
16. Stormwater Management shall conform to Lake County Standards and Stormwater Management Department rules and regulations. *Lake County Engineer*
17. Final plans should indicate who is responsible for retention and stormwater maintenance. *Concord Twp. Service Dept.* **Not corrected on the Preliminary Plan. Maintenance of the detention pond and other facilities stated on the Final Plat for Phase 2.**

Technical Comments:

1. Prior to issuance of a final Certificate of Occupancy the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County Building Department until or unless the Building Official inspects the building or structure and finds no violations of the provisions of the 2006 Residential Code of Ohio for One, Two and Three – Family Dwellings, or other laws that are enforced by the Lake County Building Department. **No Building or structure shall be used** or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy. *L. C. Building Department*
2. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review and comment. *Utilities Dept.*
3. Potable water to be supplied by Painesville City per their Franchise Agreement with the Board of Lake County Commissioners. *Utilities Dept.*
4. All cul-de-sacs must be provided with a minimum diameter of 120 feet. Concord Township Fire Department will NOT approve “Stub Streets” of any length. *Concord Twp. Fire Dept.*
5. Concord Township Fire Department will require a street “name change” if it is determined one is similar to others already established in Concord Township. *Concord Twp. Fire Dept.*

6. All structures shall have approved address numbers, building numbers or building identification in accordance with the Ohio Fire Code 505.1 after completion of construction and prior to occupancy. Mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
7. Riparian setback shall be at the minimum dimension or at the edge of the wetland, whichever is greater. *Lake County Engineer*
8. Suggested that premium backfill be required for all utility trenches within zone of influence of pavement. *Concord Twp. Service Dept.*
9. There should be no diversion of runoff water from one watershed to another. *Concord Twp. Service*
10. Plans should include defined schedule for construction of retention and stormwater measures. *Concord Twp. Service Dept.*
11. Thickness of pavement components including item 203 subgrade compaction should be on final plans. *Concord Twp. Service Dept.*
12. Streets and Fire Hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
13. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to the start of construction of any structure. Street signs shall be in accordance with the Ohio Fire Code 505.2 and be double sided. Building numbers or identification must be provided during all phases of construction of a structure. *Concord Twp. Fire Dept.*
14. Please address the following questions that have arisen during the course of the SWCD review:
 - a) Is there a maintenance agreement in place for Open Space Preservation area which includes maintaining the undisturbed wetlands?
 - b) Has the applicable wetland/natural resource permitting been obtained in phases? Has both Army Corps and Ohio EPA permits been approved for Phase 2 of project?
 - c) Has a mitigation plan been approved by the U.S. Army Corps of Engineers for impacts to isolated wetlands on individual lots?
 - d) What process will be used to alert lot owners of jurisdictional isolated wetlands on their lot and/or preservation areas located on or adjoining their lot?

Mr. Radachy stated Orchard Springs was initially a 38-acre subdivision with 48 sublots. There were 22 sublots approved in the first phase and 26 to be approved in the second phase. The zoning is R-2 RCD. The Plan for this subdivision was approved by the Concord Township Trustees. The location is at the end of Orchard Road.

The Interim Director showed a topographical map showing a ravine area in the project that is not very deep, but a good size. There are wetlands in these areas and more in Phase 2. There are 18 acres of open space in Phases 1 and 2. There is 49% open space with the detention pond and 44% without the detention pond owned by the Homeowners Association. There are some areas that Concord Township considered not to be open space because they were smaller than 25 feet in width.

The detention pond to the south was not built. They moved the detention pond to the rear lot as opposed to putting it in the open space. When someone purchases the lot, the detention pond would be owned by them. The Homeowners Association would be responsible for maintaining the pond. The owner would not be able to build or do anything in the detention pond area except mow the grass and emergency tree removal. In answer to a question as to what type of pond it was, it was stated it was a dry pond.

There is an issue of a gas/oil well on the property that is still active. ODNR has jurisdiction of the well. The well is not abandoned. There are design stipulations regarding the well being taken care of in Phase 1 and John D. Oil & Gas Company has the mineral rights to the property.

Originally there were 11 Preliminary Plan stipulations, now there are eight. There are six design stipulations, one design comment, 17 technical stipulations and 14 technical comments submitted. Staff recommends approval of the resubmitted Preliminary Plan.

The whole area where the road crosses the creek has already been mitigated. Mr. Novak said there was a waterline running through it already. All of the open space between the wetlands and between the sublots is now part of a preservation easement. Almost 50% of the entire site has been preserved, which allowed them to fill it in because they are preserving other areas per the Army Corps of Engineers. They are preserving a little over 18 acres. The deed restrictions would not allow a fishing pier to be put into this area.

Mr. Pegoraro moved to approve the resubmitted Preliminary Plan of the Orchard Springs Subdivision with eight stipulations, six design stipulations, one design comment, 17 technical stipulations and 14 technical comments as submitted. Mr. Siegel seconded the motion.

Discussion:

Ms. Pesec was concerned about the old closed gas well and buried material from the well in Phase 1 being marked somewhere as deed restrictions or on the Preliminary Plan as hazardous waste so people would know where they were. The Engineer stated a home has already been built on the site in Phase 1. Other items of concern were:

- The deed restrictions should state that oil and gas rights did not belong to the homeowners so they would be aware.

- Is there a requirement on the deed restrictions that John D. Oil & Gas Company could not drill another well on the property? Mr. Victor replied that they will be capping the well and the mineral rights will revert to the Developer. He said it was a requirement of the easement that another well could not be built on the easement.
 - Ms. Pesec asked if no further drilling on the property could be added to the deed restrictions. The Developer and Engineer were not sure and said they could take this under advisement. There are rights already given to John D. and they have to follow whatever is on that lease agreement. There are already two wells on that property and they thought they would not be drilling another. The Developer had to give them part of the property to be able to drill, but did not give them the mineral rights. Ms. Pesec just wanted to protect the open space. Mr. Novak said they could look into it.
 - Ms. Pesec informed the members that, if you do not own the mineral rights, it is possible to drill another well right next to the one that is being shut down. They could put many more wells on that property.
 - Mr. Novak stated that Mr. Radachy should have the deed restrictions filed for Phase 1 and, if Ms. Pesec had some suggestions on how to amend those, they would surely take those under advisement. They would need to look at what the lease requirements would allow them to do because the Army Corps has restrictions on that open space.
 - Ms. Pesec said she would look into the amendment possibilities and Mr. Novak said the deed restrictions are a part of this subdivision approval and now would be a good time to make these amendments.
- Discussion was closed and the motion moved forward to action.

All voted "Aye".

Request to Waive Resubmission Fee

Mr. Novak and Mr. Victor were unaware of the nearness of the expiration date for the Preliminary Plan. They had lost track of the time. The Plan had already been reviewed and paid for once and they were requesting waiving the resubmission fee.

Mr. Radachy stated that staff usually sends a letter to the developer as a courtesy when the plan is coming due, but no letter was sent in this case. He would normally have sent a letter in January, February or March of 2012 to let them know the Plan would be expiring. In March of 2012, the Planning Commission was not charging an extension fee for a Preliminary Plan resubmission. In the middle of April 2013, Mr. Novak called to say the Developer would be submitting Phase 2 of the Concord Springs Subdivision and he had to tell him that the Preliminary Plan had expired the year before. He referred the issue to the Prosecutor's Office,

who said it was not a requirement to send the letter, just a courtesy. The Developer should have been aware of the expiration date. The cost for a resubmission is \$600.00 and was submitted by the Developer. This check was put on hold in our office until the Commission members could discuss this issue.

Mr. Siegel made a motion to waive the resubmitted Preliminary Plan fee. Mr. Pegoraro seconded the motion.

Discussion:

Mr. Zondag stated, if you need to get an extension for something else like a driver's license, tag or any other policy, you will pay the fee to re-file. He felt they had three years to come in and ask for an extension and did not do that. At one point or another, we are expected to know what our obligations are.

Mr. Victor said they are trying to create jobs. The economy has been bad.

Mr. Siegel said the economy had been so bad and normally this Subdivision would have been built and done by now.

Mr. Morse said they had waived fees like this before.

Ms. Pesec said it is not our job to arbitrarily do things. Our job is to follow what the Regulations state.

Mr. Pegoraro said he thought there were mitigating circumstances here. When he was in this business, the letters Mr. Radachy sent helped him keep on track. This is an oversight. Even though it is not mandatory, it is important when people start depending upon a courtesy as a reminder to resubmit, that it be done.

Mr. Zondag said the members spent two full meetings determining why we had to look at so many exemptions and made a new policy. A business needs to keep track of their permits and licenses. If he did not renew his pesticide license after three years, he would have to re-test for it. It is the same with a driver's license, etc.

The Chair asked the Assistant Prosecutor how this situation should be handled. Mr. Horacek replied he could not suggest to them how to handle this situation. He told her that, if the Commission chooses to waive the fee, it can be done. There is no obligation to send the letter. They should have gotten the letter as a courtesy and it was an oversight. There is no obligation on the part of this Commission to waive the fee.

Mr. Zondag called for a hand vote. Ms. Hausch asked all those in favor of waiving the fee, to raise their hand.

Messrs. Siegel, Pegoraro, Welch and Adams raised their hands.

The Chair asked for hands of those not in favor of waiving the fee:

Messrs. Morse, Zondag, Webster and Ms. Peseć raised their hands.

It was a tie vote and Ms. Hausch called for a roll call vote to be taken in favor of waiving the fee.

Mr. Adams – Yes.
Mr. Morse – No.
Mr. Pegoraro – Yes.

Mr. Welch – Yes.
Ms. Peseć – No.
Mr. Zondag – No.

Mr. Webster – No.
Mr. Siegel – Yes.
Ms. Hausch – No.

Five voted “No”.
Four voted “Yes”.
Motion failed.

Concord Township - Orchard Springs, Phase 2, Final Plat and Improvement Plans, 26 Lots, 23.8624 Acres

Mr. Radachy introduced the Orchard Springs, Phase 2 Subdivision in Concord Township consisting of 26 sublots and 23.8624 acres of land. The Final Plat and Improvement Plans of Phase 2 have been submitted for approval. The Developer is Ralph Victor Construction and the Engineer is Barrington Consultants. The site is zoned R-2 RCD. There are almost 23 acres of land and about 13 acres of open space, which is about 50% of this Phase. It is located off Orchard Road. Below are the submitted stipulations and comments for the Final Plat and Improvement Plans:

Final Plat Stipulations:

1. Subdivider shall set all permanent monuments for subplot corners prior to the subdivision going into maintenance. Setting of corner monuments shall be included in the construction estimates. Certification that corner monuments have been placed shall be submitted by a registered surveyor. *Article I Section 4(H)*
2. All permanent monuments for the centerline shall be set prior to the recording of the plat or the final release of the construction surety and acceptance of the maintenance surety. Setting of centerline monuments shall be included in the construction estimates. *Article I Section 4(I)*
3. The final plat and the preliminary plan do not conform to one another. The cul-de-sac has two different names. On the Preliminary Plan, the cul-de-sac is named KYLIE Court, on the Final Plat and Improvement Plans, it is KYLLE Court. Both names are usable, indicate what name you wish to use. The local service drainage easement from the Kylie Court to the detention pond is shown as a local service drainage easement on the plat. *Article III Section (A)*

4. This is a resubdivision of Lake Erie Apple Orchards Phase 2 and a resubdivision of Hillcrest Estates Phase 2. These subdivisions shall be referenced on the cover sheet. *Article III Section 6(D)(1)(a)*
5. The signatures lines shall be updated on the final plat. Staff will provide the changes. . *Article III Section 6(D)(1)(c)*
6. There are two types of local service drainage easements, one for maintenance by the Homeowners Association and one for maintenance by adjacent homeowners. Currently the developer is requiring the yard drains to be maintained by the HOA. Staff recommends that the developer explore the possibility of having these easements and facilities be maintained by the adjacent homeowners. *LCPC*
7. Drainage facilities draining water from the road structures are usually maintained by the Township. The developer should explore the possibility that the pipe and easement from Kylie Court to the detention should be a drainage easement instead of local service drainage easement. The detention pond shall be a local service drainage easement. *LCPC*
Plat calls out a 20' drainage easement to Concord Township which cannot be found on plat. *LC Engineer/Stormwater Dept.*
8. The Temporary Water Easement and the Temporary Utility Easements need to be released prior to this plat being recorded. *LCPC*
9. The lot area for Common Open Space B and C shall be provided. *Article III Section 6(D)(3)(f)*
10. The cross hatching on the Common Open Space Areas gives the impression that the detention pond and the utility easements are not part of the blocks. The plat needs to be less confusing on this point. *Article III Section 6(C)(1)*
11. If the developer is going to have a sign for the subdivision on Colburn, the area for the sign should not be shown as preserved land. *LCPC*
 - a. Is there any additional entrance signage off Colburn? If that is intended, all parcels at the entrance way are part of the Green Space and a landscape easement should be created for the Association's maintenance of the sign area. Entrance signage shall meet the requirements of section 30.03B. *Concord Twp.*
12. If any plat is not recorded within two years or within an approved extension, the plat approval shall expire.
13. Is the second phase going to meet all the guidelines of the original Home Owners Association? If so the Declaration of Covenants, Conditions and Restrictions need to be updated and submitted to the Trustees and legal counsel. *Concord Twp.*
14. Sublots 36 and 48 shall front on Alexa Drive. *Concord Twp.*

15. Private Preservation Areas are unenforceable and end up being eliminated by homeowners. Our office recommends that wetland areas be removed from all sublots, thereby removing the need for private preservation areas. *LC Engineer/Stormwater Dept.*
16. Who is responsible for heavy equipment maintenance in Common Preservation areas? *LC Engineer/Stormwater Dept.*
17. We believe Colburn Road ROW is 60'. *LC Engineer/Stormwater Dept.*
18. Page 3 Correct parcel labels on surrounding sublots; Re-check state plane coordinates. *LC Engineer/Stormwater Dept.*
19. Page 4 Scale incorrect. *LC Engineer/Stormwater Dept.*
20. Page 5 Add acreage to common preservation areas; Correct bearing and distance along east property line; Add bearings and distances to Kyllie Court intersection. *LC Engineer/Stormwater Dept.*
21. Page 6 Add acreage to common preservation areas; Correct bearing and distance along east property line; Add bearings and distances to Kyllie Court intersection; Correct surrounding parcel labels (sublot 15). *LC Engineer/Stormwater Dept.*

Final Plat Comments:

1. Concord Township Fire Department will require a street name change if it is determined one is similar to other already established in Concord Township. *Concord Twp. Fire Dept.*
2. Streets and fire hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
3. Building numbers or identification must be provided and installed during all phases of construction of any structure. *Concord Twp. Fire Dept.*

Improvement Plan Stipulations:

1. Until improvement plans for the subdivision are approved, and properly endorsed, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, grubbing, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. Clearing may occur after improvement plans and final plat have been filed and approved or approved with stipulations by the Planning Commission. Article I Section 4(B)
2. The signature lines shall have the current reviewing officers listed and president shall be removed from Daniel Troy's signature line. *Article III Section 4(C)(2)*
 - a. Update names on Title Sheet. *LC Engineer/Stormwater Dept.*

- b. Change cover water department signature from Dan McGannon to George Ginnis.
Painesville City Water Dept.
3. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
4. Please provide the District with a copy of the most updated wetland delineation report and map. Additionally, provide any U.S. Army Corps of Engineers or Ohio EPA documents that affirm the completed wetland and stream delineations at the site. *LCSWCD*
5. Distinguish the wetlands shown on the Preliminary Plan with corresponding acreages per the affirmed wetland delineation map. Also list the type of stream resource (i.e. perennial, intermittent or ephemeral) for each stream located within the project boundaries. *LCSWCD*
6. Riparian setbacks shall be shown for all streams located within the project boundaries. Some stream segments within Open Space 'A' are not shown with riparian setbacks. *LCSWCD*
7. Wetland areas shown within roadways, utility easements, storm water facilities or outlet structures and proposed sublots shall be shown as impacted. Acreage of impact for each wetland shall be shown with the corresponding U.S. Army Corps of Engineers or Ohio EPA permit authority listed on the plan. *LCSWCD*
8. National Pollutant Discharge Elimination System (NPDES) rules require storm water discharges to receive treatment through post-construction water quality best management practices prior to discharge into wetlands and/or streams. The storm sewer system for the Victor Drive cul-de-sac area appears not to contain a post-construction storm water quality practice prior to discharge to the unnamed tributary to Ellison Creek or its adjacent wetlands. A post-construction best management practice should be designed for this area. Wetland areas shown within roadways, utility easements, storm water facilities or outlet structures and proposed sublots shall be shown as impacted. Acreage of impact for each wetland shall be shown with the corresponding U.S. Army Corps of Engineers or Ohio EPA permit authority listed on the plan. *LCSWCD*
9. Show existing culvert under Colburn Road near intersection of Alexa Drive Drive. How will this impact proposed new culvert under Alexa Drive? *LC Engineer/Stormwater Dept.*
10. What is the purpose of large fill over existing culvert. This design will require a set of inlet basins at Colburn Road for proper drainage. Our office recommends re-grading roadway to north. Alexa Drive intersection design needs to be coordinated with proposed Colburn Road Improvements. *LC Engineer/Stormwater Dept.*
11. Proposed typical section is for bidding estimate only. Detailed roadway design required. *LC Engineer/Stormwater Dept.*
12. Provide First Energy pedestal locations to ensure no conflicts with storm sewer laterals at subplot lines. *LC Engineer/Stormwater Dept.*

13. Improvement Drawings and Plat are subject to a detailed review prior to signature approval. *LC Engineer/Stormwater Dept.*
14. HOA Maintenance document for Detention/Water Quality Pond is required. Access is limited. *LC Engineer/Stormwater Dept.*
15. Provide two full size prints for any further reviews including two full size, fully signed sets before any waterline work can begin. *Painesville City Water Dept.*
16. Per original agreement, Colburn Road waterline is to be extended east and connected to the Timerlane South dead-end waterline. (See attached.) All of this waterline will be C909 and needs to be included in this phase of the project. *Painesville City Water Dept.*
17. Kyle Court (Victor Drive) C – 909 PVC to be used with the class B bedding as shown on page 8 of 14 to also include tracer wire. *Painesville City Water Dept.*
18. Kyle Court (Victor Drive) cul-de-sac can be 2" approved pvc plastic waterline or K copper, owners choice, plastic to be bedded in #57 stone. Either choice will also have tracer wire for future locating. *Painesville City Water Dept.*
19. No bends are shown on Kyle Court (Victor Drive). Contractor will mostly have to use some type of fitting to remain on line in the installation. All fittings are to have zinc anode caps and be wrapped in 8mil plastic. *Painesville City Water Dept.*
20. Preliminary Plan correctly shows the sanitary sewer extension both east and west along Colburn. *Lake County Sanitary Engineer*
21. Information on pipe material, sanitary stations and laterals must be provided. *Lake County Sanitary Engineer*

Improvement Plan Comments:

1. Fire flows must meet the ISO minimum requirements for size, type and spacing for structures built. *Concord Twp. Fire Dept.*
2. Spacing of fire hydrants will be determined by Concord Township Fire Department and based on a case-by-case review. *Concord Twp. Fire Dept.*
3. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary). *Concord Twp. Fire Dept.*
4. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
5. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations. *Concord Twp. Fire Dept.*
6. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to the start of construction of any structure. *Concord Twp. Fire Dept.*

7. Street name signs and mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
8. Concord Township Fire Department will NOT approve “stub streets” of any length. Temporary or permanent cul-de-sacs must be provided with a minimum pavement diameter of 120 feet. *Concord Twp. Fire Dept.*
9. It is recommended that the mandatory construction access be Orchard Road due to the reconstruction of Colburn Road that will be occurring at the same time. *Concord Twp.*
 - a. Improvement Plan proposes Orchard Road as the haul road. Is there surety in the event of road failures? *Concord Twp. Road Dept.*
10. It is recommended that all conservation limits are clearly marked, as well as protected wetlands. *Concord Twp.*
11. The Zoning Department has no concerns over the improvement plans at this time. We defer to the Fire Department and Service Department recommendations. *Concord Twp.*
12. Are Ralph Victor Construction and their engineering firm, Barrington consulting, aware that Colburn Road is going to be reconstructed in the near future? *Concord Twp.*
13. The improvement plans may have potential conflicts with Colburn Road Improvements. *Concord Twp.*
14. The current proposed road grade on the improvement plans has drainage flowing to Colburn. There are no proposed inlet drains. *Concord Twp.*
15. Please adjust curb gutters to transition to Colburn Road Improvements (profile). *Concord Twp.*
16. Concord Township has some concern with Colburn Road stream crossover in relation to intersection of Alexa Drive and Colburn Road. *Concord Twp.*
17. The stream is fairly close to the rear corner of subplot 32. Concord Township has some concerns with bank stabilization for subplot 32. *Concord Twp*
18. What is purpose of culvert under Kille Court, why not tie into proposed storm sewer to eliminate maintenance of culvert by township. *LC Engineer/Stormwater Dept.*
19. Richard Lesiecki, City Engineer’s signature is not needed for us, your choice. *Painesville City Water Dept.*
20. Painesville City will review the water plans. *Lake County Sanitary Engineer*

Mr. Radachy showed a temporary utility easement, a temporary waterline and the preservation area on the screen. The whole lot at the end of the line is in the preservation area and the utility easement is outside of that area.

He stated some issues on the Final Plat and Improvement Plans:

- No acreage figures were provided for the open space.
- The Final Plat and the Preliminary Plans spelled the name of the cul-de-sac differently.
- Colburn Road is currently a Township Road shared between Chardon and Concord Township and is planned to be upgraded. This area will change.
- Concord Township questioned how close the stream crossover will be in relation to the intersection of Alexa Drive.

Mr. Zondag was concerned about how the creek would be handled. There is a culvert and the creek also goes underneath Colburn Road.

Mr. Radachy stated the County Engineer questioned the fill over the existing culvert on the Improvement Plans and recommended re-grading the roadway to the north. He also stated that the Alexa Drive intersection design needed to be coordinated with the proposed Colburn Road Improvements.

Mr. Novak said they are proposing a three-sided box culvert, two sides and a top, going over the creek. There will not be a bridge. It will not have a bottom so you will not actually be disturbing the creek bed. The utilities could be taken under the culvert. They could either provide an easement or shorten the culvert to come to a reasonable solution.

Mr. Zondag was told the existing homes on Colburn are septic, but these will be sewer. They do not empty into the creek.

Mr. Radachy says the Improvement Plans show the culvert going outside of the right-of-way. The culvert is a road structure and should be maintained by the Township. It needs to be in a right-of-way or easement. This should be a stipulation, but was not listed. Please add it as stipulation number 22 as follows:

22. Extend the right-of-way of Alexa Drive to include the culvert over the stream or place the culvert into an easement for maintenance purposes.
LCPC

There is a stipulation requesting that yard drains going into a local service drainage easement be maintained by the adjacent homeowners. There are two local service drainage easements, one for maintenance by the Homeowners Association and one for maintenance by adjacent homeowners.

Water draining from road structures is usually in a drainage easement maintained by the Township. If draining sublots, there should be a local service drainage easement maintained by the Homeowners Association. It is stipulated that the pipe and easement from Kille Court to the detention pond should be a drainage easement and the detention pond should be a local service drainage easement. The Plat also calls out for a 20-foot drainage easement to the Township, which cannot be found on the Plat.

Staff recommends approval of the Final Plat and Improvement Plans for the Orchard Spring, Phase 2 Subdivision.

Mr. Pegoraro moved to approve the Final Plat and Improvement Plans for Orchard Springs, Phase 2 Subdivision with 22 Final Plat stipulations, 3 Final Plat comments, 22 Improvement Plan stipulations, and 26 Improvement Plan comments, which includes the additional Final Plat stipulation suggested by Mr. Radachy above concerning the culvert right-of-way. Mr. Adams seconded the motion.

All voted "Aye".

Subdivision Activity Report

Mr. Radachy reported that:

- Loreto Landing is in the process of being dedicated. It was accepted by the Commissioners in March. The title company is working on an easement issue and eventually it will be recorded and given to the County.
- The Developer of North Shore Estates in Lake Erie Shores Subdivision had called. The modification to the lots will probably be done by lot line adjustment as opposed to plat lot split.

LAND USE AND ZONING REVIEW

Madison Township Text Amendment – Section 114, Additional Permitted/Conditional Uses

Mr. Radachy stated the purpose statement for B-3 states: B-3, Wholesale and Trade Commercial District is intended to provide a district that offers a variety of general commercial, services, trade business, warehousing and wholesale uses. This district is intended to accommodate businesses in the community that cannot be practically provided for in the other business districts.

Areas designated to be B-3 Commercial by the Comprehensive Plan are not currently served by sanitary sewer. Many of the office uses proposed could be served by septic tanks.

These regulations are not addressed by the Madison Township Comprehensive Plan.

Staff recommended approval of these changes.

In B-2, they are adding Meeting/Banquet Facility use. In B-3, the following permitted uses were added:

- Insurance, Tax and Financial Related Services
- Computer Related Services
- Other Professional Office
- Medical/Dental Office
- Government Office
- Research and Development Labs
- Urgent Care
- Animal Grooming
- Veterinary Services, small
- Manufacturing, Light
- Assembly
- Fabrication
- Publishing and Printing
- U.S. Postal Service
- Meeting/Banquet Facility
- Higher Education and Trade School

The following conditional uses were added:

- Child Day Care
- Sales of Motor Vehicles divided into two categories, new and pre-owned.

If they do not sell new vehicles on the site, they can no longer sell used vehicles on the site. The used vehicle sites currently there will become non-conforming uses.

Mr. Pegoraro stated that in a commercial use one 1,000 gallon septic system is very small. It is 50 gallons per person. That is not going to work.

Mr. Siegel was concerned that, if they make you put two septic systems for a house, why would they state only one for a business?

Mr. Novak replied that you are actually allowed to discharge a thousand gallons a day. Typically on commercial applications, they would provide a dosing tank so that it can be used Saturday and Sunday. It does depend on what the use is. In Madison Township and in these usage areas usually old houses are converted to businesses.

Mr. Siegel moved to recommend approval with staff's recommendation. Mr. Welch seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Bylaws Review Committee

The Bylaws Review Committee changes in the new Bylaws were submitted in the mailed package this month. The Committee wanted to submit this for a May approval. These were sent to Mr. Schaedlich and forwarded officially to the members at least 15 days prior to the next Planning Commission meeting. The Planning Commission did not want to rush this and were leaning towards a hearing in June. Mr. Radachy suggested the members review them and submit their changes to the office by Friday, May 17. That will give staff time to compile and include the changes in the meeting package to be mailed on Tuesday, May 21. The Bylaws should be discussed and voted on at the May 28th meeting. The Planning Commission can decide on their next move at that meeting.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Zondag thanked Mr. Horacek for his attendance and legal advice.

PUBLIC COMMENT

Mr. Novak said it was nice to be back.

ADJOURNMENT

Mr. Siegel moved and Mr. Welch seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 8:15 p.m.